

EXHIBIT 6

Corrections of Motion for Sanctions (Doc. 60)

The following statements in the Motion for Sanctions are corrected as follows:

1. CCBOER counsel represents that the GBI reports of the meeting dates with CCBOER members (Doc. 60-6) Matthew McCullough and Wendell Stone are in error, and that such meetings took place September 8 and 9, 2022 respectively, not in August as the GBI reports. (Exhibit A) Plaintiffs had alleged that the purported August meetings should have been disclosed by Mr. Stone in his September 1, 2022 Rule 30(b)(6) deposition when asked whether he was aware of anyone being contacted by the GBI about the breaches. Plaintiff's specific allegation of August meetings with Stone and McCullough, based on the GBI report, seems to have been in error. However, Mr. Stone in answering that he did not know of anyone having been contacted (Doc. 60-5 at 6), failed to disclose that only two days before on August 30, 2022 Rachel Roberts, the Election Supervisor, reporting to the CCBOER had met with the GBI according to GBI records. (Exhibit B) Additionally, on that day, the GBI meet with the county personnel manager, who received approval from HBS attorney Jennifer Herzog to release records. (Exh. C). Herzog had also arranged for a delivery of video security footage to the GBI on August 30, 2022. (Exh. D) Given the level of GBI activity with the staff and attorneys for Coffee County and CCBOER, Mr. Stone, as the

CCBOER Rule 30(b)(6) witness should have been informed of these meetings and answered fully and candidly. HBS attorneys representing the CCBOER in the deposition should also have sought to correct the record prior to ending the deposition, permitting Plaintiff's counsel to obtain requested information about the highly relevant nature of the GBI probe. No documents were produced by CCBOER indicating that such meetings were arranged or that the video had been delivered.

2. Footnote 5 of the Motion for Sanctions erroneously stated that certain documents were located too late to be used at the Curling trial, specifically Rachel Robert's email to the Secretary of State officials regarding the equipment breach (Doc.31-8) and Ms. Cox's statement to Mr. James Barnes concerning the seized server (Doc. 30-3). The statement should have read that although such late-located exhibits (found by Plaintiff on the CCBOER desktop image) were used at trial, Plaintiffs were highly prejudiced by the inability to develop related facts through timely discovery.

EXHIBIT A

Monday, March 4, 2024 at 07:29:01 Eastern Standard Time

Subject: FW: 523mc1-Coalition for Good Governance, et al. v. Coffee County Board of Elections and Registration
Date: Wednesday, February 28, 2024 at 6:59:40 PM Eastern Standard Time
From: Marilyn Marks
To: Ben Perkins, Wes Rahn, Cary Ichter, Jill Connors, ddavis@ichterdavis.com
Attachments: GBI report excerpts.pdf

Hi, Ben.

Thanks for sending this along, clearing up some confusion. We certainly accept your representation that the interviews took place in September, not August, as the GBI reports state. No further documentation needed.

My reading of the September 1 email reference, "SA BALDWIN also advised WALKER that he received an email from Coffee County Attorney JENNIFER HERZOG listing him as STONE'S attorney for the GBI interview on Thursday, September 1, 2022," was that there was either a September 1 interview originally planned, or possibly still planned, as of the date the GBI/Stone meeting reported.

Of course, based on your information that the meetings were actually in September, I can see that what the writer *likely* meant was, "SA BALDWIN also advised WALKER that he received an email **on Thursday September 1, 2022** from Coffee County Attorney JENNIFER HERZOG listing him as STONE'S attorney for the GBI interview." (Not that the original interview or another interview was intended to be "on September 1," as I had assumed.)

As for having an audio record of the Thomas interview, no, we did not obtain any GBI files other than those on the CCBOER office desktop and a copy of the report.

Let us know if you have other questions.

Hope that clears that up. Thanks.

Marilyn

From: Ben Perkins <bperkins@olivermaner.com>
Date: Wednesday, February 28, 2024 at 3:40 PM
To: Marilyn Marks <Marilyn@USCGG.org>
Cc: Jill Connors <JConnors@IchterDavis.com>, Bruce Brown <bbrown@brucepbrownlaw.com>, "ddavis@ichterdavis.com" <ddavis@ichterdavis.com>, Wes Rahn <wrahn@olivermaner.com>
Subject: RE: 523mc1-Coalition for Good Governance, et al. v. Coffee County Board of Elections and Registration

Thanks. Cary and I just got off the phone, and I agreed to give him an extension of time from his back surgery day (March 18) through April 12. I also said I understand he may need more time depending

on the recovery.

Something I mentioned to Cary relates to the allegations on page 13 of the sanctions brief. It is alleged that Mr. Stone was interviewed by the GBI on **August 8, 2022**. While the first paragraph of the report says that, the second paragraph reflects that Agent Baldwin recounted to those present at the interview that he received an email from Ms. Herzog on **September 1, 2022**. That alone establishes the interview happened after September 1, 2022. I can provide you with additional evidence that it happened on September 8, 2022.

It is also alleged on page 13 that Mr. McCullough was interviewed by the GBI on August 9, 2022. We know that is untrue for reasons including that the first page of the GBI report recites that the investigation began on August 15, 2022. We will be able to establish that the interview happened on September 9.

Finally, it is alleged that Mr. Thomas told the GBI that he was appointed 1/1/2022 instead of 1/1/2021. Did you get a copy of the audio of that interview? I have not but want to review it since I know that's either a typo or Mr. Thomas misspoke.

Attached are the referenced pages of the GBI report.

Ben Perkins
Oliver Maner LLP
912-238-2515

From: Marilyn Marks <Marilyn@USCGG.org>
Sent: Wednesday, February 28, 2024 1:46 PM
To: Ben Perkins <bperkins@olivermaner.com>
Cc: Jill Connors <JConnors@IchterDavis.com>; Bruce Brown <bbrown@brucepbrownlaw.com>; ddavis@ichterdavis.com; Wes Rahn <wrahn@olivermaner.com>
Subject: Re: 523mc1-Coalition for Good Governance, et al. v. Coffee County Board of Elections and Registration

Hi, Ben.

Cary is in court and he asked me to forward this message below.

I'm sure he will connect with you when he gets out of court and you two can find a way to agree on a schedule going forward.

Thanks.

MM

From: Cary Ichter <CIchter@IchterDavis.com>
Date: Wednesday, February 28, 2024 at 1:33 PM
To: Marilyn Marks <marilyn@uscgg.org>
Cc: Jill Connors <JConnors@IchterDavis.com>, Bruce Brown <bbrown@brucepbrownlaw.com>
Subject: Re: 523mc1-Coalition for Good Governance, et al. v. Coffee County Board of Elections and Registration

Let's plan on talking this afternoon. We're going to file a brief that corrects a couple of mistakes in the previous brief and proposes a briefing schedule, so your request is timely. So let's have a chat about it

EXHIBIT B

**GEORGIA BUREAU OF INVESTIGATION
OFFICE OF SPECIAL INVESTIGATIONS
INVESTIGATIVE SUMMARY**

46-0001-42-23

On Tuesday, August 30, 2022, at approximately 12:12 p.m., Special Agent CHRIS BALDWIN was located at the Coffee County Elections and Registration Office (CCERO) in Douglas, Georgia for the purpose of conducting an interview with RACHEL ROBERTS, current Elections Supervisor for Coffee County. The interview was in reference to the Coffee County computer trespass investigation. The interview with ROBERTS was audio recorded. The recording has been attached to this summary. For a verbatim account of the interview, refer to the recording. ROBERTS agreed to speak with the Agent and essentially stated the following:

ROBERTS gave SA BALDWIN a tour of the CCERO. ROBERTS pointed out the location of the Georgia Elections Management Systems (GEMS) room and the equipment room. The GEMS room and equipment room require a log book to document who accesses those rooms and when.

ROBERTS worked for the CCERO the first time from October, 2007 to November, 2011. ROBERTS came back to work for the CCERO as the Election Supervisor on December 13, 2021. ROBERTS responsibilities as the Coffee County Election Supervisor are to maintain voting records and managing the operation of the elections in Coffee County. ROBERTS' Assistant Elections Supervisor was DEBRA NIPPER. NIPPER became employed by the CCERO in March, 2022.

ROBERTS advised there was no directive, nor anything that she had signed, that governed who she did and did not allow access to the CCERO GEMS or equipment room. ROBERTS advised it was just common sense.

46-0001-42-23

ROBERTS advised Oaths of Office were held in personnel files that were maintained by the Coffee County Board of Commissioners HR Manager PRINCESS PORTER.

ROBERTS also provided SA BALDWIN the names and phone numbers of the Coffee County attorneys (TONY ROWELL, [REDACTED] JENNIFER HERZOG, [REDACTED] to assist SA BALDWIN in scheduling interviews with current CCBOE board members.

ROBERTS provided SA BALDWIN with a notebook containing the last several years of Coffee County Board of Elections (CCBOE) meeting minutes. SA BALDWIN made a copy of the minutes for the only meeting to occur in January of 2021 (1/12/2021). A copy of that document has been attached to this summary.

Investigative act concluded at approximately 12:36 p.m.

ATTACHMENTS

AUDIO

(Attachments)

COPY OF NOTE(S) CCBOE Meeting Minutes
1/12/2021

(Attachments)

ID DATA:

ROBERTS, RACHEL (DIRECTOR)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

EXHIBIT C

**GEORGIA BUREAU OF INVESTIGATION
OFFICE OF SPECIAL INVESTIGATIONS
INVESTIGATIVE SUMMARY**

46-0001-42-23

On Tuesday, August 30, 2022, at approximately 1:30 p.m., Special Agent CHRIS BALDWIN was located at the Coffee County Board of Commissioner's Office to meet with Human Resources Manager PRINCESS PORTER in reference to reviewing the employee personnel files for former Elections Supervisor MISTY HAYES and former Assistant Elections Supervisor JIL RIDLEHOOVER. The records search request was in reference to the Coffee County computer trespass investigation. After speaking with the Coffee County Attorney JENNIFER HERZOG, PORTER provided a copy of the disciplinary records and resignation letters for both HAYES and RIDLEHOOVER. The copies of those documents have been attached to this summary.

It was notated that both HAYES and RIDLEHOOVER received disciplinary documentation on August 1, 2017 in reference to submitting fraudulent reimbursement receipts. Also, HAYES and RIDLEHOOVER signed letters of resignation on February 25, 2021.

Investigative act concluded.

ATTACHMENTS

OTHER Disciplinary Records & Resignation
Letters

(Attachments)

SPECIAL AGENT CHRISTOPHER BALDWIN: 9/6/2022
cb: 9/6/2022

CB

EXHIBIT D

**GEORGIA BUREAU OF INVESTIGATION
OFFICE OF SPECIAL INVESTIGATIONS
INVESTIGATIVE SUMMARY**

46-0001-42-23

On Tuesday, August 30, 2022, at approximately 3:58 p.m., Special Agent CHRIS BALDWIN was located at the Burger King parking lot in Fitzgerald, Ben Hill County, Georgia for the purpose of collecting evidence from Hall Booth Smith Attorneys At Law employee DENISE PAULK, in reference to the computer trespass investigation of the Coffee County Elections and Registration Office. It should be noted that SA BALDWIN had previously spoken with JENNIFER HERZOG, an attorney with Hall Booth Smith, PC, who represented the Coffee County Government. HERZOG had coordinated the delivery of the evidence to SA BALDWIN by PAULK in response to a verbal open records request that was made by SA BALDWIN earlier that day. SA BALDWIN received one (1) external hard drive containing video surveillance video of the Coffee County Elections and Registration Office.

SA BALDWIN maintained custody of the hard drive until Thursday, September 8, 2022 at 10:08 a.m. when he handed over custody of the evidence to Special Agent JERRI LYNN COODY. SA COODY would be handling examining the surveillance video. SA BALDWIN completed a GBI Form 20 for the hard drive. A copy of that form has been attached to this summary.

Investigative act concluded.

ATTACHMENTS

EVIDENCE RECEIPT (OTHER AGENCY) GBI
Form 20

(Attachments)

EVIDENCE

MY PASSPORT EXTERNAL HARD DRIVE CONTAINING

CC07861-Evidence.pdf

SPECIAL AGENT CHRISTOPHER BALDWIN: 8/31/2022

cb: 8/31/2022

rw